

Message Text

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C O N F I D E N T I A L STATE 043590

FOR ROBERT ROSENSTOCK, US LEGAL DIVISION ONLY

FOLLOWING TEL SENT ACTION SECSTATE FROM SAN JOSE FEB 23:

QUOTE C O N F I D E N T I A L SAN JOSE 0737

E.O. 11652: GDS

TAGS: PFOR, PGOV, CS, US

SUBJECT: VESCO EXTRADITION: RECHNITZER CASE DISMISSED BY LOCAL JUDGE

REF: SAN JOSE 119 AND PREVIOUS

BEGIN UNCLASSIFIED

1. SUMMARY: JUDGE OF INSTRUCTION DISMISSED CHARGES OF SECURITIES FRAUD AGAINST VESCO AND ASSOCIATES BROUGHT BY COSTA RICAN CITIZEN BECAUSE ALLEGED ACTS WERE NOT COMMITTED IN COSTA RICA, AND COSTA RICAN COURTS NOT COMPETENT. DECISION BEING APPEALED. END SUMMARY

2. LOCAL MEDIA ARE GIVING WIDE COVERAGE TO DECISION ANNOUNCED FEBRUARY 22 BY SECOND JUDGE OF INSTRUCTION DISMISSING CHARGES OF SECURITIES FRAUD BROUGHT LOCALLY BY CARLOS RECHNITZER AGAINST VESCO AND HIS ASSOCIATES. ACCORDING TO CONFIDENTIAL

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PRESS ACCOUNTS OF JUDGE'S DECISION, JUDGE DISMISSED CASE ON GROUNDS OF "LACK OF JURISDICTION AND OF ACTION," I.E., "COSTA RICAN COURTS DO NOT HAVE JURISDITCTION TO JUDGE A CRIME COMMITTED IN FOREIGN TERRITORY," AND "ALL THE ACTS MENTIONED IN RECHNITZER'S CHARGES REFER TO SUPPOSED TRANSACTIONS AND TRANSFERS MADE IN OR FROM ABROAD, THAT IS, OUTSIDE OF COSTA RICAN JURISDICTION."

3. RECHNITZER HAS TOLD EMBASSY THAT THIS DECISION, MADE BY AN INTERIM JUDGE, WILL BE APPEALED TODAY TO SUPERIOR COURT, AND THAT DECISION WILL TAKE TWO-THREE WEEKS. RECHNITZER SAYS HE IS CONFIDENT THAT SUPERIOR COURT WILL REVERSE DECISION.
END UNCLASSIFIED

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4. COMMENT: PRELIMINARY REPEAT PRELIMINARY VIEW OF EMBASSY'S MOST TRUSTWORTHY LEGAL CONTACT (WHO IS STUDYING THIS NEW DEVELOPMENT) IS THAT DISMISSAL OF RECHNITZER'S CASE WILL HELP FUTURE U.S. EXTRADITION ATTEMPT BY ELIMINATING WHAT HAS BEEN VIEWED AS A POSSIBLE IMPEDIMENT. OTHER EMBASSY LEGAL CONTACTS, HOWEVER, SEE POSSIBLE PROBLEMS. EMBASSY WILL PROVIDE MORE DETAILED ANALYSIS AS SOON AS OUR LAWYER PROVIDES IT. END CONFIDENTIAL
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